

**SUMMARY REPORT DIGEST-
COMPLAINT REGISTER INVESTIGATION NO.:
CHICAGO POLICE DEPARTMENT**

260133

DATE OF REPORT (DAY-MO.-YEAR)

30 May 2000

11 July 2000 T

To be used in all cases that are to be classified as either EXONERATED, UNFOUNDED, NOT SUSTAINED, or in SUSTAINED cases where the Disciplinary Recommendation does not exceed FIVE (5) DAYS SUSPENSION.

SUBMIT ORIGINAL AND 3 COPIES IF ASSIGNED TO SAME UNIT AS ACCUSED.
SUBMIT ORIGINAL AND 4 COPIES IF NOT ASSIGNED TO SAME UNIT AS ACCUSED.

TO: SUPERINTENDENT OF POLICE

ATTENTION ☒ ADMINISTRATOR IN CHARGE, OFFICE OF PROFESSIONAL STANDARDS
☐ ASSISTANT DEPUTY SUPERINTENDENT, INTERNAL AFFAIRS DIVISION

FROM-INVESTIGATOR'S NAME		RANK	STAR NO.	SOCIAL SEC. NO.	EMPLOYEE NO.	UNIT ASSIGN.			
Troy, Robert		Inv	253			113			
ADDRESS OF INCIDENT			DATE OF INCIDENT - TIME		BEAT OF INCIDENT	LOCATION CODE*			
1 ■ W. Chicago Ave. 700 N. Larrabee			18 Feb 2000 001-0500		1823/1831	19/05			
ACCUSED	NAME		RANK	STAR NO.	SOCIAL SEC. NO.	EMPLOYEE NO.	UNIT ASSIGN.		
	1. Liarakos, Steve		PO	17454			018		
	2. Cunningham, Aaron		PO	15522			018		
	SEX/RACE	D.O.B.	DATE OF APPOINTMENT		DUTY STATUS (TIME OF INCIDENT)		<input checked="" type="checkbox"/> SWORN <input type="checkbox"/> CIVILIAN	PHYS. COND. CODE†	
	1. M/W	73	29 Jun 98		<input checked="" type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY			01	
	2. M/W	67	29 Jun 98		<input checked="" type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY			01	
IF APPLICABLE - DATE ARRESTED/INDICTED			CHARGES		COURT BRANCH	DISPOSITION & DATE			
1.									
2.									
COMPLAINANTS	NAME		ADDRESS**		CITY STATE	TELEPHONE	SEX/RACE	D.O.B./AGE	PHYS. COND. CODE†
							M/B	52	01
VICTIMS	NAME		ADDRESS**		CITY STATE	TELEPHONE	SEX/RACE	D.O.B./AGE	PHYS. COND. CODE†
							F/W	68	01
WITNESSES	NAME		ADDRESS**		CITY STATE	TELEPHONE	SEX/RACE	D.O.B./AGE	PHYS. COND. CODE†

☐ SEE ATTACHED SHEET FOR ADDITIONAL ACCUSED, COMPLAINANTS, VICTIMS, WITNESSES.

See Report

ALLEGATIONS

I.A.D. LOCATION CODES*

01	Food Sales/Restaurant	11	Public Transportation Veh./Facility
02	Tavern/Liquor Store	12	Park District Property
03	Other Business Establishment	13	Airport
04	Police Building	14	Public Property - Other
05	Lockup Facility	15	Other Private Premise
06	Police Maintenance Facility	16	Expressway/Interstate System
07	CPD Automotive Pound Facility	17	Public Way - Other
08	Other Police Property	18	Waterway, Incl. Park District
09	Police Communications System	19	Private Residence
10	Court Room		

I.A.D. PHYSICAL CONDITION CODES†

01	No Visible Injury - Apparently Normal
02	No Visible Injury - Under Influence
03	Injured, Not Hospitalized
04	Injured, Not Hospitalized - Under Influence
05	Injured, Hospitalized
06	Injured, Hospitalized - Under Influence
07	Injured, Refused Medical Aid
08	Injured, Refused Medical Aid - Under Influence
09	Deceased
10	Deceased - Under Influence

** IF CPD MEMBER, LIST RANK, STAR, SOCIAL SECURITY, EMPLOYEE NOS. IN ADDRESS BOX, PAX/BELL IN TELEPHONE BOX.

Briefly summarize the investigation describing your efforts to prove or disprove the allegation(s). Indicate whether witnesses or evidence support or do not support the allegation(s).
In sustained cases ONLY, copies of the accused member's Summary of Previous Disciplinary Actions and Record of Previous Complimentary History will be included as attachments.

See Page 2

SUMMARY

ATTACHMENTS

INVESTIGATIVE REPORTS—
SUPPORTING ALLEGATION
LIST ATTACHMENT NUMBERS:

1,2,4

INVESTIGATIVE REPORTS—
SUPPORTING ACCUSED MEMBER(S)
LIST ATTACHMENT NUMBERS:

1,2,3,4,5,6,8,9

PHYSICAL EVIDENCE

LIST ATTACHMENT NUMBERS:

TOTAL NUMBER OF ATTACHMENTS
SUBMITTED WITH THIS FILE:

42

Summarize the findings and recommendations. Rule violations will be cited by number only. One overall recommendation for Disciplinary Action will be made by the investigator. The recommendation will be for ALL sustained findings; recommendations will NOT be made for each sustained allegation.

Example: 1. Violation noted, no disciplinary action warranted. 2. That the accused member be reprimanded. 3. That the accused member be suspended for days (not to exceed 5 days).

Findings:

Allegation 1 against Police Officer Steve Liarakos #17454 Unfounded

Allegation 1 against Police Pfficer Aaron Cunningham #15522 Unfounded

Allegation 1 against Sergeant Daniel McDonald #1234 Unfounded

Allegation 2 against Sergeant Daniel McDonald #1234 Unfounded

FINDINGS—RECOMMENDATIONS

APPROVED: Acting Supervisor Michael Goldson #219

DATE INITIATED 23 Feb 2000
(DATE COMPLAINT WAS
RECEIVED FOR INVESTIGATION)

DATE COMPLETED 30 May 2000
(DATE OF THIS
REPORT)

ELAPSED TIME 98 Days
(TOTAL TIME,
EXPRESSED IN DAYS)

Investigator will initiate the Command Channel Review
form by completing the Investigator's Section.

INVE

ADDITIONAL ACCUSED: (continued)

McDonald, Daniel; Sgt; #1234; SSN# [REDACTED]; Emp# [REDACTED]; 018th
M/W; [REDACTED] 63; 08 Sept 86; On-Duty; Sworn; 01

ALLEGATIONS:

On 18 February 2000 at approximately 0001 hours, [REDACTED] contacted the Office of Professional Standards via the Bell system and registered a complaint with Civilian Intake Aide Danielle Young [REDACTED]. [REDACTED] alleged that:

- (1) at the same date and time either Police Officer Steve Liarakos, #17454 or Police Officer Aaron Cunningham, #15522 pointed his weapon at him without justification.

On 18 February 2000 at approximately 0540 hours, [REDACTED] contacted the Office of Professional Standards via the Bell system and registered a related complaint with Civilian Intake Aide Danielle Young [REDACTED]. [REDACTED] alleged that on the same date at approximately 0500 hours:

- (1) Sergeant Daniel McDonald #1234 would not allow her to be present during the interrogation of her client, [REDACTED] and that
- (2) Sergeant Daniel McDonald #1234 then failed to report her allegation of misconduct upon her request.

INVESTIGATION:

██████████ failed to cooperate with the investigation of his allegation.

In the Arrest Report for ██████████, Officers Steve Liarakos #17454 and Aaron Cunningham #15522 indicated that ██████████ had been stopped for numerous traffic offenses and that he had refused to speak to the officers or to produce a driver's license. After the arrival of a police sergeant, ██████████ provided his driver's license but refused to answer the officers' questions. Chicago Police Department canine units were requested and two dogs indicated a positive identification for the presence of narcotics on the rear hatch of the vehicle. Based on this, a criminal history for ██████████ was obtained and it was learned that ██████████ had a narcotics Arrest on 05 November 1998. Based on this information, a search warrant was obtained for ██████████ and his vehicle, and was executed at approximately 0340 hours. A search of the vehicle produced a 9mm handgun and ██████████ was placed under arrest.

A Weapons Violation Case Report and Supplementary Report offered similar accounts of the incident.

Police Officer Liarakos' Complaint for Search Warrant, Chicago Police Department Inventory Slips, ██████████ Criminal History, and numerous traffic citations were all consistent with the officers' accounts of the incident.

In a signed account of her involvement in the incident and in a telephone interview, Attorney ██████████ stated that at approximately 0355 hours, she had received a telephone call from an unspecified source informing her that her "client" ██████████ had been taken into custody and transported to the 018th District after a search warrant had been obtained for his vehicle. ██████████ stated that ██████████ was not her client either prior to or after ██████████ arrest, but only on 18 February 2000. She indicated that she received the assignment as part of her volunteer work for the ██████████. At approximately 0506 hours, ██████████ proceeded to the 018th District and was informed by desk personnel that she could not see ██████████ until after he was through being processed, which would be approximately one hour. At 0524 hours, she spoke to Sergeant Daniel McDonald #1234, demanding to speak to her client and to register a complaint. Sergeant McDonald refused. At approximately 0540 minutes later, Sergeant McDonald made arrangements for ██████████ to speak with ██████████. At approximately 0605, ██████████ spoke to the watch commander and then departed the district, with a feeling of "disgust and humiliation."

In a To/From Subject Report, Sergeant McDonald #1234 stated that at no time was ██████████ ever denied access to her client and at no time was an allegation of misconduct ever made by any person.

INVESTIGATION: (continued)

In a To/From Subject Report, Police Officer Aaron Cunningham #15522 stated that he had unholstered his weapon and held it at his side after he observed [REDACTED] inside of a vehicle with illegally tinted windows making erratic movements in the vicinity of the center console of his vehicle, which caused him to be in fear for his and his partner's safety.

In a To/From Subject Report, Police Officer Steve Liarakos #17454 offered a virtually identical account of the incident.

CONCLUSION:

It is recommended that [REDACTED] allegation that an officer pointed his weapon "in his face" be classified as Unfounded. Because of [REDACTED] failure to cooperate with the investigation and his slang description of the allegation, it was impossible to acquire a detailed account of his allegation, including which officer pointed the weapon, exactly how it was pointed toward him, from what distance the weapon was pointed, and at what point during the incident the allegation occurred. Because [REDACTED] was inside of a vehicle with illegally tinted windows and the incident occurred at night, it is impossible to determine the exact nature of [REDACTED] allegation. Further, the officers involved in the incident appeared to have shown great restraint and discretion in dealing with [REDACTED] in what was obviously a tense situation created entirely by [REDACTED]. Officers Cunningham and Liarakos both denied pointing their weapons directly at [REDACTED] and there is no reason to doubt their accounts. In addition, it is noted that it would certainly have been reasonable for the officers in that situation to have held their weapons in a "high-ready" position while facing the vehicle, which may have been interpreted by [REDACTED] as the weapons being pointed at him. In any event, there is no evidence to indicate that the allegation occurred as he alleged, and there is sufficient evidence to indicate that the officers involved in the lengthy incident demonstrated commendable judgement in their handling of a tense and dangerous situation.

It is recommended that [REDACTED] allegation that Sergeant McDonald denied her access to [REDACTED] be classified as Unfounded. First, it is noted that police personnel are not obligated to allow access to an arrestee on demand of an attorney, but are only obligated to notify an arrestee of the attorney's presence at a police facility. It is only when the arrestee requests the attorney's presence that police personnel are obligated to allow the attorney access to the client. There is no indication that Sergeant McDonald or any other police personnel ever denied a request by [REDACTED] to speak to [REDACTED]. It is also noted that [REDACTED] stated that she had no attorney/client relationship with [REDACTED] either prior to or following his arrest. Additionally, police personnel are not obligated to interrupt the formal processing of a prisoner to allow contact with an attorney. There is no indication that [REDACTED] was questioned or interrogated relative to any criminal investigation, but only charged relative to traffic violations and the illegal possession of a handgun found within his vehicle. Most importantly, [REDACTED] stated in her written summary of the incident that she actually had been allowed to speak to [REDACTED] 34 minutes after her arrival. Although [REDACTED] may have felt that 34 minutes was too long a time period for her to wait, it was reasonable given that [REDACTED] herself described the district as being extremely busy and that [REDACTED] was in the middle of being formally processed when she arrived at the 018th District Station.

CONCLUSION: (continued)

It is recommended that [REDACTED] second allegation that Sergeant McDonald failed to register a complaint regarding her first allegation be classified as Unfounded. Sergeant McDonald denied the allegation. Further, it stands to reason that if [REDACTED] was allowed to speak to [REDACTED] any complaint of a failure to do so would be nonsensical.

[REDACTED]